

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THELMA MARGARET WATTS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2005-00055
)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

Louisville Gas and Electric Company ("GLE&") is hereby notified that it has been named as defendant in a formal complaint filed on January 31, 2005, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, LG&E is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 4th day of February, 2005.

By the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JAN 31 2005
PUBLIC SERVICE
COMMISSION

In the matter of:

Shelma Margaret Metts
(Your Full Name)

COMPLAINANT

VS.

Louisville Gas & Electric Co.
(Name of Utility)

DEFENDANT

CASE 2005-00055

COMPLAINT

The complaint of Shelma Margaret Metts respectfully shows:
(Your Full Name)

(a) Shelma Margaret Metts
(Your Full Name)

3721 Bardstown Rd. Pines #211 Louisville Ky 40218
(Your Address)

(b) Louisville Gas & Electric Co.
(Name of Utility)

P.O. Box 32020 Louisville, Ky 40232-2020
(Address of Utility)

(c) That: I am 79 years of age on a fixed income \$8th 611.⁰⁰ a month
(Describe here, attaching additional sheets if necessary,

I moved in Pines 211 next to July 25, 1990. My meter was set on 0 and now Aug 2004
the specific act, fully and clearly, or facts that are the reason

my meter reads 50,666 but the meter I have paid on for 14 years reads 88,331
and basis for the complaint.)

I have called many times over the years complaining of high bills. They always say
to your AC, etc. On Aug 5, 2004 Linda Metts my daughter-in-law called

PGES for me & got no results. She goes to PGES office & Erica says she
is (This is all written in detail in the letter to Debbie Skobe) My son Don

Continued on Next Page

Formal Complaint

Shelma Margaret Metts vs. Louisville Gas & Electric Co.

Page 2 of 2

Ron Metts Construction Calls L G & E & Talks to Debbie Shobe.

Aug 6 Ron Comes to my Unit & finds me on the wrong meter.

Aug 11 Steve Yates & Steve Fox of L G & E meet my Son Ron Metts here
and tell him the Seal on my meter has never been broken.

and the seal is more than ten years old

All I ask for is justice, The over payment I have

Wherefore, complainant asks \$ 3,550.00

(Specifically state the relief desired.)

paid for 14 years plus interest on my money they have
held, and I don't feel this amount is in excess.

Dated at Louisville, Kentucky, this 21st day
(Your City)

of January, 2005
(Month)

Shelma Margaret Metts
(Your Signature)

(Name and address of attorney, if any)

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant))
Complainant)
) No. _____
vs.) (To be inserted by
) the secretary)
(Insert name of each defendant))
Defendant)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day
of _____, 19 _____.

(Name of each complainant)

(Name and address of attorney,
if any)

LSE Call from Mike Lowrey

Called 9th 8/26/04

Mike Lowrey 627-2537

Brenda Mann 627-2320 (assisted)

Jenny Smith 1-800-772-4634 Public Comm. Assisted
Attorney Contact

Mike in Repington ⁽²⁾ deep a WH

check 9/1/04 - \$37.16

Credit Nov. \$959.53

My Bill today \$37.16
I don't accept that

Credit up Month 1,166.85

I don't accept that

Total \$2,126.38

Go back to 1997

I have been paying wrong meter since August 1990

My Meter reads
I'm paying reads

50,666 #630199
88,330 #630197

11 this year

Last year



ron_metts@msn.com

Printed: Friday, August 6, 2004 11:35 AM

From : Vince Guenthner <vguenthner@lwcky.com>
Sent : Friday, August 6, 2004 11:12 AM
To : "ranny@ronmettsconstruction.com" <ranny@ronmettsconstruction.com>
Subject : RE: Contact at LG & E

Call Debbie Shobe in Community Relations. You can let her know that I referred you to her. 627-4793

-----Original Message-----

From: Ron Metts (mailto:ron_metts@msn.com)
 Sent: Friday, August 06, 2004 11:05 AM
 To: vguenthner@lwcky.com
 Subject: Contact at LG & E

My Grandmother has had high electric bills at her condo. She is very frugal but her bill is 3 times others in complex. My dad turned the disconnect off at her meter and her lights stayed on. We are not getting far with customer service. WE are meeting with the meter locator and an electrician but the issue of wrong bills for a few years and reimbursement is a little tricky. Do you know someone we can contact about this problem? Thanks, Ranny See you tonight?

8/6 Re: email - will look into

Lori: Req ring out electrician 8/14

Ron gave Lori your mail connect meter # for 211

8/19 Req from Debbie Asto LGE intention bypass & then
 as soon as we can.

8-10 waiting to hear from - if, maybe, want write c l f a
 Reimburse want to confirm

8-11 - Steve Yates, Steve Fox meter 197 installed Read in meters
 none 7/90 - dial is over 10 yrs old on 197

Katrina Clark handles Public Service Comm for LGE



PA 1/7/05 (PA 1/7/05) 1/7/05
Customer Service: (502) 589-1444 Mon-Fri 7AM-7PM
Walk-In Center Hours: Mon-Fri 8AM-5PM
www.lgeenergy.com

DATE DUE	AMOUNT DUE
01/11/05	\$2,070.13 CR

Conserve paper! With e-bill, we'll send you an e-mail each month letting you know your bill is available for viewing and, if you choose, online payment. Sign up today by visiting our website at www.lgeenergy.com.

ACCOUNT INFORMATION	
Account Number:	
Account Name:	THELMA METTS
Service Address:	3721 Bardstown Rd Apt 211
Next Read Date:	01/21/05

BILLING SUMMARY	
Previous Balance	(2,087.99)
Payments as of 12/21	(38.39)
Balance as of 12/21	(2,126.38)
Electric Charges	15.62
Gas Charges	40.63
Utility Charges as of 12/21	56.25
Total Amount Due	(2,070.13)

Averages for Billing Period	This Year	Last Year
Average Temperature	42°	40°
Number of Days Billed	32	30
Electric/kwh per Day	5.6	11.6
Gas/ccf per Day	1.0	1.1

ELECTRIC CHARGES			
Rate Type: ELECTRIC RESIDENTIAL			
Customer Charge	5.00	Meter Reading Information	
Energy Charge	10.60		
Other Charges For Above Rates		Meter #	630199
Electric Fuel Adjustment (\$.00031 CR x 180 kwh)	-0.06	Actual Reading on 12/20	51433
Electric Residential DSM (\$.00088 x 180 kwh)	0.16	Previous Reading on 11/18	51253
Environmental Surcharge (0.760% x \$15.70)	0.12	Current kwh Usage	180
Merger Surcredit (3.262% CR x \$15.82)	-0.52	Meter Multiplier	1
Earnings Sharing Adjustment (2.360% x \$15.30)	0.36	Metered kwh Usage	180
Value Delivery Surcredit (0.900% CR x \$15.66)	-0.14		
Home Energy Assistance Fund Charge	0.10		
Total Electric Charges	\$15.62		

Please bring entire bill when paying in person.



Customer Service (502) 589-1444 Mon-Fri 7AM-7PM
 Walk-In Center Hours: Mon-Fri 8AM-5PM
 www.lgeenergy.com

DATE DUE	AMOUNT DUE
08/10/04	\$102.11

My Son Ron Metts found the problem 8/6/04

Conserve paper - Go Electronic! Did you know we can send your utility bill by e-mail? Switching to e-bill is easy when you visit our website: www.lgeenergy.com.

- 0 - when started?

Averages for Billing Period	This Year	Last Year
Average Temperature	78°	77°
Number of Days Billed	30	30
Electric/kwh per Day	42.8	50.5
Gas/ccf per Day	0.4	0.4

ACCOUNT INFORMATION	
Account Number:	
Account Name:	THELMA METTS
Service Address:	3721 Bardstown Rd Apt 211
Next Read Date:	08/20/04 <i>40218</i>

BILLING SUMMARY	
Previous Balance	102.99
Payments as of 07/23	(102.99)
Balance as of 07/23	0.00
Electric Charges	83.26
Gas Charges	18.85
Utility Charges as of 07/23	102.11
Total Amount Due	102.11

ELECTRIC CHARGES			
Rate Type: ELECTRIC RESIDENTIAL			
Customer Charge	4.58	Meter Reading Information <i>NOT METER</i>	
Energy Charge	76.49		
Other Charges For Above Rates		Meter # 630197	<i>88330</i>
Electric Fuel Adjustment (\$.00051 x 1284 kwh)	0.65	Actual Reading on 07/22	87739
Electric Residential DSM (\$.00088 x 1284 kwh)	1.13	Previous Reading on 06/22	86455
Environmental Surcharge (2.270% x \$82.85)	1.88	Current kwh Usage	1284
Merger Surcredit (3.129% CR x \$84.73)	-2.65	Meter Multiplier	1
Earnings Sharing Adjustment (2.360% x \$82.08)	1.94	Metered kwh Usage	1284
Value Delivery Surcredit (0.900% CR x \$84.02)	-0.76		
Total Electric Charges	\$83.26		

50,666

This is fine

630199

*LORI GRAVES
 364-8376 H
 332 5570*

Please bring entire bill when paying in person.

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
January	52.87	58.67	60.70	55.56	58.73	62.61	81.31	60.19	62.67	69.72
February	44.72	47.28	43.47	45.98	42.84	55.52	54.67	44.59	59.95	80.26
March	31.21	38.92	37.26	42.10	38.95	39.66	46.81	45.88	56.83	55.62
April	35.03	38.54	29.57	39.97	32.28	40.25	56.13	55.27	44.35	48.92
May	37.93	42.92	36.95	50.27	40.65	53.03	64.69	50.18	52.85	64.12
June	51.27	56.31	49.73	70.66	55.61	74.03	77.43	77.03	80.41	102.17
July	72.43	81.42	69.94	78.78	73.51	86.55	91.72	112.15	115.69	102.11
August	87.99	65.86	69.21	75.38	88.11	71.38	68.50	100.10	99.85	
September	59.60	61.63	57.62	65.22	84.84	69.41	96.40	109.20	79.56	
October	35.60	37.41	45.05	42.29	49.82	48.60	44.85	58.40	50.86	
November	41.11	41.03	40.51	35.45	45.04	53.39	39.72	45.36	49.51	
December	38.37	40.22	43.06	45.99	58.42	71.75	40.14	58.92	59.88	

I Copied the amounts from my Cancelled Check

I Enclosed all records before this time because spot was over-Cancelled

Dear THELMA METTS,

We recently discovered a problem with your electric and/or gas meter. In accordance with the Public Service Commission statutes, we are required to correct the billing on your account.

The adjustment resulted in a credit on your account. The following information explains the reason your account was corrected and the time period covered.

On August 11, 2004 our representative visited your service address. Our representative confirmed that you were being billed on the incorrect meter. The electric meter, which was being billed to you, was switched with a meter serving another location from June 21, 2001 to July 22, 2004. The situation has been corrected and as a result a credit has been applied to your account.

If you have any questions concerning this bill please call 627-2320.

Switched

I moved in this Condo new and the rest on my meter was never broken.

Thelma Metts

The word switched plays no part in this case.

T.M.

Thelma Metts

1482

8/24 - TM wrote letter to Debbie Skebe

8/26 - got call from Mike Gavery

* Mike Gavery is the one to call

ML just offered credit of \$959.53

- showed up on 9/9/04 bill

- TM paid current charges of \$37.16

anyway

- TM agreed credit

ML said that next bill would have credit
of \$2126.38

- TM agreed also

* all Netmail names about how trouble
was found

TM is #211

Jenny Coonan is #212, where meter was
switched

favor switched

Thelma Metts

DAVID P. NUTGRASS, P.S.C.
ATTORNEY AT LAW
129 South Main Street
Lawrenceburg, Kentucky 40342

(502) 839-9886
800-720-9027

FAX (502) 839-1427
800-853-3070
EMAIL: david@nutgrasslaw.com

October 11, 2004

Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40601

Informal Complaint

Complainant: Thelma Metts
3721 Bardstown Road, #211
Louisville, KY 40218

Utility: Louisville Gas & Electric
P.O. Box 32010
Louisville, KY 40232

To the Commission:

Please be advised that I represent Thelma Metts relative to a dispute with Louisville Gas & Electric. Ms. Metts is 78 years old and on a fixed income, and for some many years her electric bill consumed a good portion of her monthly budget. She has recently come to know that her meter had been switched with another condominium. Since the meter was switched back, her electric bill has decreased dramatically.

I enclose a copy of correspondence which Ms. Metts received with a recent bill. In this correspondence, LG&E appears to admit the erroneous billing, but states that the period during which the erroneous billing took place began not earlier than June 21, 2001. My client disputes this, as she believes that the security seal on her meter prior to correction of the problem was much older. Further, my client has kept track of her electric bill since 1995, and there is no great discrepancy between the amounts which she paid prior to June 21, 2001, and the amounts which she paid after that date.

Upon learning of the problem, LG&E was quick to fix it and offer my client a credit. However, my client desires to be made whole for the entire period during which she was billed for another's service. We believe that an examination of LG&E's billing and service records for both condominiums will show conclusively when the service was switched (we believe that it was upon construction of the condominium units) and the amount that should be refunded to her. Prior to my client filing a formal complaint, we would ask the Commission to seek production of these relevant records from LG&E.

I have attempted to contact LG&E directly in regard to this matter, but have received no

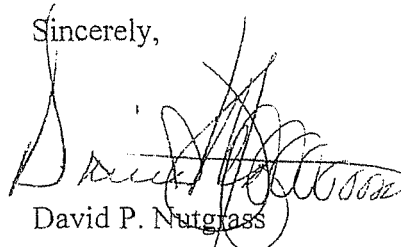
*I had had many times to have to say it was switched
The seal never broken*

Kentucky Public Service Commission
October 11, 2004
Page 2

response. A copy of my letter dated September 27, 2004, is attached as an exhibit to this informal complaint.

Your assistance in this matter is greatly appreciated.

Sincerely,



David P. Nutgrass

Enclosures

cc: Thelma Metts
(W/out enclosures)

F:\MyFiles\ClientFiles\MettsThelma\LG&E\PSC1.ltr wpd

Dear THELMA METTS,

We recently discovered a problem with your electric and/or gas meter. In accordance with the Public Service Commission statutes, we are required to correct the billing on your account.

The adjustment resulted in a credit on your account. The following information explains the reason your account was corrected and the time period covered.

On August 11, 2004 our representative visited your service address. Our representative confirmed that you were being billed on the incorrect meter. The electric meter, which was being billed to you, was switched with a meter serving another location from June 21, 2001 to July 22, 2004. The situation has been corrected and as a result a credit has been applied to your account.

If you have any questions concerning this bill please call 627-2320.

Never switched

TM

The word switched has no place in this case.

TM.

DAVID P. NUTGRASS, P.S.C.
ATTORNEY AT LAW
129 South Main Street
Lawrenceburg, Kentucky 40342

(502) 839-9886
800-720-9027

FAX (502) 839-1427
800-853-3070
EMAIL: david@nutgrasslaw.com

September 27, 2004

Mr. Mike Lowery
LG & E Energy
220 W. Main Street
P.O. Box 32010
Louisville, KY 40232

Re: Thelma Metts

Dear Mr. Lowery:

Thelma Metts has asked me to assist her relative to a billing error with which you may be familiar. My client resides at 3721 Bardstown Road, Apt. 211, and apparently her service had been switched with unit 212 in her condominium building for some many years.

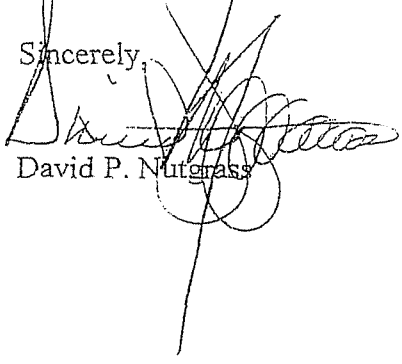
My client recently received a note from someone at LG&E offering to credit her for the difference between the two bills from June 21, 2001 through July 22, 2004. However, this is not nearly the length of time during which the service had been switched. The seal on the meter was quite a bit older than June 21, 2001, and we have every reason to believe that the service had been switched since my client first occupied the property in the late 1980's. By way of example, my client has kept records of her utility bills since 1995, and there is nothing to indicate that the service was switched in June 2001.

We believe that it is appropriate to go back and look at all my client's bills since her service was initiated, look at unit 212's bills for the same period, and reimburse my client for the difference.

You have offered, and have instituted, a credit on my client's bill. Of course my client can do nothing about this credit, but does not accept it as settlement of this error. She will continue sending her current monthly bill, and wishes to receive her refund by way of a check.

I look forward to hearing from you within the next ten days or so.

Sincerely,


David P. Nutgrass



Louisville Gas and Electric Company
820 West Broadway
PO Box 32020
Louisville, Kentucky 40232

October 26, 2004

David P. Nutgrass, P.S.C
Attorney At Law
120 South Main Street
Louisville, Kentucky 40342

Re: Thelma Metts LG&E account

Dear Mr. Nutgrass:

This is written in response to your letter dated September 27, 2004.

On August 11, 2004 our representative visited Thelma Metts service address 3721 Bardstown Rd Apt 221. It was confirmed the electric meter which was being billed to Mrs. Metts was switched with a meter serving another location in the same apartment building.

In accordance with the Public Service Commission (PSC) statutes 807 KAR 5:006, section 10 we are required to correct the billing on both accounts. LG&E has records back to June 21, 2001 in our Customer Information System. A credit adjustment was calculated from June 21, 2001 to July 22, 2004 in the amount of \$959.53. This credit was based on actual monthly billing data. The credit was applied to Mrs. Metts account and a letter mailed with her August bill.

Mrs. Metts contacted our complaint department, the information was reviewed and after a discussion with the PSC, we agreed to adjust the money back to September 25, 1997 which is the first record we have that Mrs. Metts requested a High Bill Exam.

Since we do not have records of either account past June 21, 2001 the following calculation for 45 months from September 25, 1997 to June 21, 2001 was applied.

$\$959.53 \text{ divided by } 37 \text{ months} = \$25.93 \text{ per month (Average monthly credit with actual billing data)}$
 $\$25.93 \text{ times } 45 \text{ months} = \$1,166.85$

After a phone conversation with Mrs. Metts on August 25, 2004 the adjustment of \$1166.85 credit was applied to Mrs. Metts account. Mrs. Metts requested the balance \$2,126.38 credit remain on her LG&E account, until she had time to contact an attorney.

Based on the above conversation with Mrs. Metts and our discussion with the PSC, we feel the adjustment is fair to both parties. We would be glad to issue a refund check to Mrs. Metts upon her request.

Please feel free to contact us with any questions at 502-627-2532.

Sincerely,

Mike Lowery, Manager
Customer Accounting Department

Ernie Fletcher
Governor



LaJuana S. Wilcher
Secretary

Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-7397

December 9, 2004

Ms. Thelma Metts
3721 Bardstown Road, #211
Louisville, KY 40218

Dear Mr. Metts:

Louisville Gas & Electric has advised that you did not accept their offer in your billing dispute with them. Enclosed is a copy of the Commission's administrative regulations outlining the procedures for filing a formal complaint. If you wish to pursue this further through the Commission, please complete the forms and return them to the above-listed address. You can call our hotline at 1-800-772-4636 with any questions.

Sincerely,


Ginny Smith, Director
Division of Consumer Services

Enclosure